

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DAVID NORINGTON,

Plaintiff,

v.

LIEUTENANT SCOTT, et al.,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. 3:12-cv-807-GPM-DGW

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court is the Motion to Compel filed by Plaintiff, David Norington, on April 9, 2013 (Doc. 58). The Motion is **DENIED WITHOUT PREJUDICE**.

Plaintiff states that he has not received initial disclosures from Defendant as required by the Scheduling Order entered on February 5, 2013 (Doc. 44). The Scheduling Order requires disclosure of “reports and/or statements of persons with knowledge” of the incident in question. Plaintiff indicates that, in particular, that he has not received “the 403 incident report.” In response, Defendants have attached a copy of their initial disclosures which were served on March 13, 2013. In those initial disclosures, Defendants note that “Plaintiff’s disciplinary records and adjustment committee summaries are maintained within his masterfile at his current place of incarceration.” Defendants have complied with Federal Rule of Civil Procedure 26(a)(1)(A)(ii) by stating a description and location of the relevant record. In addition, Defendants have complied with the Scheduling Order which provides that discovery on the merits will not take place until the issue of exhaustion is resolved. Currently pending before the District Court is a Report and Recommendation on the issue of exhaustion. Until the District Court has ruled on the Report and Recommendation, Plaintiff will not be entitled to further discovery. Once the District

Court has ruled, Plaintiff may seek from Defendants whatever documents may be relevant to this matter, including the incident reports related to the issues raised by Plaintiff.

For the foregoing reasons, the Motion to Compel filed by Plaintiff, David Norington, on April 9, 2013 (Doc. 58) is **DENIED WITHOUT PREJUDICE**.

DATED: May 9, 2013

DONALD G. WILKERSON
United States Magistrate Judge